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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,907	07/08/2005	Roberto Funtó'	U 015847-1	6237

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NEW YORK, NY 10023

EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/541,907	Applicant(s) FUNTO', ROBERTO	
	Examiner John A. Tweel, Jr.	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the first page of a PCT application is not a proper format for an abstract. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities:
 - Page 1: The continuing data, such as the national stage application of a prior PCT application, should be included as the first line of the application.
 - Page 1, Line 17: The verb "have" should read --has--.
 - Page 3, Line 3: There needs to be an article such as --a-- before the word "timer".
 - Page 3, Line 9: The information in this paragraph and afterward is usually found in the "Detailed Description of the Invention".
 - Page 3, Line 19: A word --to-- is needed before the word "stop".
 - Page 8, Line 20: The verb "use" should be changed to --used--.Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: A word such as --to- is needed before the word "stop" in the last line of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by **Treleaven et al** [U.S. 5,125,492] (supplied by applicant).

For claim 1, the device to control and limit the use of an electrical apparatus taught by Treleaven includes a box (No. 10) closed by mechanical key (No. 52) equipped with a hole (No. 48) for the wire of the plug of the apparatus to control (No. 12), inside which there is a socket (No. 16) where said plug fits, connected to a programmed electronic circuit (Fig. 2) that controls a timer (Nos. 54 and 56) directing the connection with the electric supply and the activation of a sound and visual signal (Nos. 34 and 36) before the connection is interrupted causing the apparatus connected to the device to stop.

For claim 2, the plug of the apparatus to be controlled fits into the socket (No. 16) of the device, which in turn is connected to the electric supply by means of a second

plug (No. 14), so that the device is always connected to electric energy, while the apparatus to control is connected to electric energy only when the timer decides.

For claim 6, the box of Treleven has a very tight opening (No. 48), which only the wire of the apparatus connected to the device can pass through, so that the plug connected to it cannot be easily removed from the internal socket (No. 16) that connects it to the control device.

For claim 7, the Abstract as well as the disclosure of Treleven discuss the use of the device as carrying out the connection upon insertion of tokens (No. 50), blocking use of the appliance when no tokens are inserted, and another switch to allow the appliance to be used without expending any credited time.

Claim Rejections - 35 USC § 103

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Treleven et al** in view of **Krzyzanowski et al** [U.S. 6,792,323].

For claim 3, the device taught by Treleven includes the claimed subject matter as discussed in the rejection of claim 1 above. However, there is no mention of a memory where a message is recorded.

To control devices using voice commands is not new in the prior art. The system for managing controlled residential or non-residential environments taught by Krzyzanowski includes a control server (No. 114) that includes a messaging controller (No. 308) that enables storage of telephone calls received via a telephony controller. The voice messages are written to a memory coupled to the control server. A message

can be made for the same or another user using the system components of the invention (Col. 13, Lns. 12-28) or also be used to search data for emails. This is plain evidence that voice messages stored in memory have been used to control apparatus in a network for some time.

Both references pertain to similar subject matter; that is, using electronic apparatus to control other appliances. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include memory for recording messages to assist in device control for the purpose of using a well-known system to increase the usefulness of the system.

For claim 4, both references include electronic circuits, the Krzyzanowski reference includes a memory and other input/output devices such as a microphone, speakers, control panels. The Treleaven device includes a display device and power supply methods.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Treleaven et al** in view of **Krzyzanowski et al** as applied to claim 4 above, and further in view of **Beckedorff et al** [U.S. 4,279,012] (supplied by applicant).

For claim 5, the combination of references includes the claimed subject matter as discussed in the rejection of claim 4 above. However, there is no mention of a remote control to control the device even apart.

Appliance controllers have been controlled remotely as long as televisions have had remote controllers. The programmable appliance controller taught by Beckedorff

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allows the use of a remote control (Col. 21, Lns. 1-3) to couple the controller to the appliance. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a remote control in the combination above for the purpose of using a well-known and common electronic control device.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berger [U.S. 5,283,475] is designed to have a television plug attached to a timer.

Rothstein [U.S. 6,777,828] allows a parent to limit the amount of time a specific user is allowed access to an electronic device.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571 272 2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAT
3/11/07



JOHN TWEEL
PRIMARY EXAMINER